

REMARKS

Claim Status

Applicants request that the after-final amendment filed on or about October 4, 2005, not be entered.

Claims 1, 3, 6-10, and 19-33 are pending in the application. This paper amends claims 1, 3, 6-8, 19, 20, 25, and 26; cancels claims 2, 4, 5, and 11-18 without prejudice or disclaimer; and adds new claims 27-33. Claims 1, 19, 28, 29, and 33 are the independent claims of the application.

Art Rejections

The Final Office Action rejected claims 1-4 and 6-8 under 35 U.S.C. § 102(b) as being anticipated by Strobel *et al.*, U.S. Patent Number 5,635,754 (“Strobel” hereinafter). The Final Office Action also rejected claims 5, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Strobel. Claims 19-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Strobel in view of Ishio *et al.*, U.S. Patent Number 6,118,184 (Ishio hereinafter). Applicants respectfully request reconsideration and allowance of all pending claims based on the amendments above and the following arguments.

Independent claim 1 now recites an x-ray shielding tub comprising a bottom portion and sidewalls extending from the bottom portion, in which the die is disposed. Claim 1 further recites that the radiation shielding lid is not in direct contact with the x-ray shielding tub so that the radiation shielding lid and the x-ray shielding tub do not completely enclose the die. Independent claim 28 recites similar or identical limitations through invocation of “means for” verbiage under 35

U.S.C. § 112, sixth paragraph. Independent claim 29 also recites similar or identical limitations. The art of record apparently does not teach or suggest these limitations. At least for this reason, Applicants submit that independent claims 1, 28, and 29 are allowable.

Independent claim 19 recites first and second x-ray shielding tubs, each x-ray shielding tub comprising a bottom portion and sidewalls extending from the bottom portion, each tub being coupled to the base. Because the art of record apparently does not teach or suggest these limitations, Applicants submit that claim 1 is allowable.

Independent claim 33 recites limitations similar to those discussed above in relation to claim 1 and claim 19, and should also be allowable.

All dependent claims should be patentable at least for the same reasons as their respective base claims.

Applicants wish to take this opportunity to comment on a statement regarding size limitations made in the Final Office Action in the context of section 103 rejection of former claim 5. In rejecting this claim, the Final Office Action asserted that change in size of a component is considered to be within the level of ordinary skill in the art, citing *In re Rose*, 105 U.S.P.Q. 237 (C.C.P.A. 1955) in support of this proposition. The Final Office Action neither compares the facts of *In re Rose* to the facts in this case, nor explains why, based on this comparison, the legal conclusion here should be the same as in *In re Rose*. Instead, it appears that the Final Office Action relies on *In re Rose* as establishing a *per se* rule that size limitations would have been obvious. But “reliance on *per se* rules of obviousness is legally incorrect and must cease.” *In re Ochiai*, 71 F.3d 1565, 1572, 37 U.S.P.Q.2d 1127, 1133 (Fed. Cir. 1995). Furthermore, note that dependent claims 3 and 27 recite relative thickness limitations, rather than absolute thickness limitations. Therefore, the claims recite certain relationships between thicknesses of multiple components, which, Applicants

submit, would not have been obvious at the time of the invention. Thickness limitations should not be ignored in determining patentability of the claims.

### *New Claims*

New claims 27-33 are generally directed to the embodiment shown in Figure 1, and may also be directed to other embodiments. In particular, limitations in dependent claims 27 and 32 are similar to those in the original claims 4-6, and are also supported, *inter alia*, by Figure 1, in which the x-ray shielding tubs 210 and 212 are thinner than the radiation shielding lids 202/204. Means-plus-function limitations in independent claim 28 should be construed to cover the corresponding structure, material, or acts described throughout the specification and equivalents thereof, as required by 35 U.S.C. § 112. Independent claim 29 is supported, *inter alia*, by Figure 1, reciting two radiation shielding lids (such as lids 202 and 204), and at least one die (such as die 206 or die 208) within a tub (such as tubs 210 or 212). Support for dependent claim 30 is apparent, *inter alia*, from Figure 1, in which the radiation shielding lids 202/204 and the x-ray shielding tubs 210 or 212 are not in direct contact with each other. Support for limitations in dependent claim 31 may be found throughout the specification and drawings, for example, in numbered paragraph [0043]. Independent claim 33 is similarly supported, *inter alia*, by Figure 1, which shows a base 220, dies 206/208, tubs 210/212, lids 202/204, and spacing rings 216/218 configured as recited.

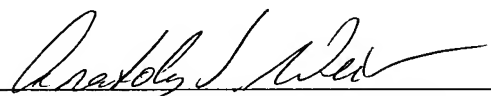
**CONCLUSION**

For the foregoing reasons, Applicants submits that all pending claims are allowable. To discuss any matter pertaining to the instant application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a notice to this effect is earnestly solicited.

Respectfully submitted,

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